Inspection Report
for
Rainey Ranch
1035 Horse Creek Rd.
Horse Creek, CA, 96050
41.8254° N, 123.0035° W

Inspection Date & Time
March 27, 2019
10:00-11:30 a.m.

Receiving Waters
Klamath River; Horse Creek; Buckhorn Creek

Regional Water Board Inspector
Jake Shannon, Environmental Scientist

Participants
Robert Rainey, Landowner
Casey Rainey, Son of landowner
Gary Rainey, Family member and neighbor of landowner

Background
Robert Rainey (Landowner), is a cattle rancher located at the confluence of Horse Creek and the Klamath River, within the mid-Klamath River watershed. The Rainey ranch covers much of the lower Horse Creek watershed and contains approximately 1,700 feet of frontage along Buckhorn Creek, 3,800 feet of frontage along Horse Creek, and 2,100 feet of frontage along the Klamath River. The mid-Klamath River is a water of the state and the United States and is identified as impaired on the Clean Water Act section 303(d) list for sediment and temperature. Additionally, Horse Creek provides important spawning habitat and summer and winter rearing refugia for both natal and non-natal juvenile salmonids, including Southern Oregon Northern California Coast (SONCC) coho salmon, and following recommendations in the Final Recovery Plan for the Southern Oregon/Northern California Coast Evolutionary Significant Unit of Coho Salmon (NMFS, 2014), extensive and ongoing anadromous fish habitat restoration efforts are occurring upstream of the Landowner's ranch.

The Rainey ranch is situated in a highly visible location where it is easily observed from Highway 96 as well as other public roads. The Regional Water Board has received ongoing complaints regarding the Landowner's ranching practices and the resulting water quality issues, including a March 22, 2018 email which included photographs of cattle-induced impacts to the Klamath River and its tributaries.

Regional Water Board staff contacted the Landowner via telephone during the week of March 18th, 2019 to request and schedule the site visit.

Inspection Narrative
On March 27, 2019, Regional Water Board staff inspected the Rainey Ranch and identified several unpermitted discharges and alleged violations of the Basin Plan.

Regional Water Board staff focused the inspection on areas of the ranch where current ranching practices cause cattle to interact with surface waters, including: a pasture where livestock have unrestricted access to approximately 700 feet of Buckhorn Creek (Site 1); a cattle ford/watering area at the lower reach of Buckhorn Creek (Site 2); three cattle bed-down areas within the riparian corridor of Horse Creek (Sites 3a, 3b, and 3c); and a pasture adjacent to, and within the floodplain of, the Klamath River that is used as a feeding lot (Site 4). See Table 1 for a description of the inspection sites and the attached Inspection Map for the site locations.

Summary of Inspection
The site inspection began at 10:00 a.m. Regional Water Board staff met with Robert Rainey, Casey Rainey, and Gary Rainey on Bar Road at the confluence of Buckhorn Creek and Horse Creek. Regional Water Board staff began by explaining the regulatory purview and jurisdiction of the North Coast Regional Water Quality Control Board; the complaints, both recent and historic, filed regarding the Landowner's ranching practices; the on-going Regional Water Board staff observations that have been made over time; and the purpose of site inspection.

Site 1: Unrestricted livestock access to approximately 700 feet of Buckhorn Creek
41.835180° N, 123.008181° W (approximate site center)

At Site 1, livestock (cattle and horses) have unrestricted access to approximately 700 feet of Buckhorn Creek as it runs through an approximately 4.25-acre pasture. At the time of the inspection, the streambanks were lightly vegetated with grasses and did not appear to be actively eroding but were trampled and appeared to be regularly trafficked by livestock. The site has adequate mature riparian trees but lacks riparian understory vegetation to stabilize the streambanks. See photo 1 and photo 2.

Several management practices were discussed that would reduce the extent of livestock-induced impacts to Buckhorn Creek, including livestock exclusion fencing and off-channel water sources and shade structures.

Site 2: Cattle ford/watering area at the lower reach of Buckhorn Creek
41.833554° N, 123.008681° W

Site 2 is an unimproved cattle crossing/watering area located on Buckhorn Creek immediately upstream of Bar Road. The streambanks at the crossing are unvegetated and actively eroding. See photo 3.

Several improvements to the cattle crossing/watering area were discussed while at the site. Creating a more defined crossing location, armoring the banks of the crossing location, and laying the streambanks back to a gentler slope could all alleviate the water quality impacts associated with the site.

Sites 3a, 3b, and 3c: Three cattle bed-down areas within the riparian corridor of Horse Creek

41.832996° N, 123.008711° W; 41.830578° N, 123.006744° W; 41.829067° N, 123.006800° W

Cattle have unrestricted access to Bar Road, both where the road crosses the ranch and beyond. Cattle use Bar Road to move between a roadside feeding area, multiple bed-down areas within the riparian corridor of Horse Creek, and beyond. Three bed-down areas were identified along Horse Creek within the ranch during the inspection, however, because cattle can access Horse Creek upstream of the ranch, the Landowner's cattle may be causing similar impacts may be occurring elsewhere as well.

At Sites 3a, 3b, and 3c, the streambanks and floodplain terraces are trampled, unvegetated, and severely degraded. Cattle bed-down and loaf within the riparian corridor immediately adjacent to Horse Creek. Within the three sites, all native riparian vegetation has been browsed to non-existence and only invasive Himalayan blackberry remain and substantial cattle-induced erosion is occurring. The sites actively discharge sediment and excess manure to Horse Creek. See photos 4 through 8.

Livestock exclusion fencing was discussed as a possible solution to address the water quality impacts at the sites. Currently, a five-strand wire fence runs through the riparian corridor of Horse Creek; however, it is in disrepair because standing dead trees from the Gap Fire of 2016 continually fall on the fence. Livestock exclusion fencing would be most effective if it were located on either the east side of Bar Road.

Site 4: Pasture within the floodplain of the Klamath River used as a feeding lot
41.824388° N, 123.001776° W (approximate site center)

Site 4 is an approximately seven-acre pasture that, during the inspection, the Landowner said is primarily used as a feeding lot and that cattle are typically on the site from January through April. The pasture is within the Klamath River's floodplain and is sloped such that anything deposited, manure, exposed sediment, or other, is conveyed to the Klamath River. Additionally, cattle have unrestricted access to approximately 1,500 feet of river frontage. There is no vegetative buffer separating the feeding lot from the river and the riparian vegetation that is present is severely degraded. The site actively discharges sediment and excess manure to the Klamath River. See photos 9 through 15.

Several management practices were discussed while at the site, including livestock exclusion fencing and other structures to deter cattle from entering the streamside zone; an earthen berm to intercept run-off; and off-channel water sources, feeding locations, and shade structures further up slope.

Enforcement Discretion
The observations in this report will be assessed for violations of the California Water Code. The Regional Water Board and the State Water Board reserve the rights to take any enforcement action authorized by law.

Inspection Map

Inspection Photos

Photo 1 (J. Shannon, 9:16 a.m., March 27, 2019)

Site 1: Southeast bank (river left) of Buckhorn Creek.

Photo 2 (J. Shannon, 9:17 a.m., March 27, 2019)

Site 1: Northwest bank (river right) of Buckhorn Creek.

Photo 3 (J. Shannon, 10:12 a.m., March 27, 2019)

Site 2: Cattle crossing/watering area on Buckhorn creek

Photo 4 (J. Shannon, 9:35 a.m., March 27, 2019)

Site 3a: Northern-most cattle bed-down area within the riparian corridor of Horse Creek

Photo 5 (J. Shannon, 9:35 a.m., March 27, 2019)

Site 3a: Northern-most cattle bed-down area within the riparian corridor of Horse Creek

Photo 6 (J. Shannon, 9:52 a.m., March 27, 2019)

Site 3b: Middle cattle bed-down area within the riparian corridor of Horse Creek

Photo 7 (J. Shannon, 9:52 a.m., March 27, 2019)

Site 3b: Middle cattle bed-down area within the riparian corridor of Horse Creek

Photo 8 (J. Shannon, 9:54 a.m., March 27, 2019)

Site 3c: Southern-most cattle bed-down areas within the riparian corridor of Horse Creek

Photo 9 (J. Shannon, 8:20 a.m., March 27, 2019)

Site 4: Pasture adjacent to the Klamath River used as a feeding lot

Photo 10 (J. Shannon, 10:19 a.m., March 27, 2019)

Site 4: Pasture adjacent to the Klamath River used as a feeding lot

Photo 11 (J. Shannon, 10:37 a.m., March 27, 2019)

Site 4: Pasture adjacent to the Klamath River used as a feeding lot

Photo 12 (J. Shannon, 10:37 a.m., March 27, 2019)

Site 4: Pasture adjacent to the Klamath River used as a feeding lot

Photo 13 (J. Shannon, 10:37 a.m., March 27, 2019)

Site 4: Pasture adjacent to the Klamath River used as a feeding lot

Photo 14 (J. Shannon, 10:39 a.m., March 27, 2019)

Site 4: Pasture adjacent to the Klamath River used as a feeding lot

Photo 15 (J. Shannon, 10:39 a.m., March 27, 2019)

Site 4: Pasture adjacent to the Klamath River used as a feeding lot